IN THE HIGH COURT OF JUDICATURE AT PATNA
MA No.16 of 2001
SMT.AMBIKA DEVI & ANR
Versus
SANJAY KUMAR JHA & ORS

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14. 14.1.2010 The present application has been filed for modification of the order dated 28.9.2005 passed by this Court disposing of the Miscellaneous Appeal. By the said order, this Court had directed the Tribunal to get the account in respect of amount payable to appellant No.2, Ruchi Kumari, who is applicant in the present matter, opened in a Nationalized Bank in the joint name of appellant No.1, who was the grand mother, appellant No.2, present applicant and respondent No.4, her mother, who had re-married, keeping all observations in respect of withdrawal of money in the impugned order intact.

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It is stated by learned counsel that for certain reasons the said amount could not be deposited in any Nationalized Bank in the joint account as directed and was still lying with the Motor Vehicles Accident Tribunal. In the meantime, it is stated that the appellant No.2, Ruchi Kumari, has now become major, her date of birth being 5.1.1990, and a prayer is made that the said amount may be given to the present applicant

herself since she having now become major there was no necessity to keep it in joint account with a major person or persons as guardian.

In the above circumstances, the application is disposed of with the direction to the Ist Additional District Judge-cum- Motor Vehicles Accident Claims Tribunal, Bhagalpur to examine the claim of appellant No.2, Ruchi Kumari, regarding her having attained majority and in case it is so found, then the amount may be deposited in a Bank Account in her name and only the interest from the same shall be utilized for the welfare, education and marriage of the present applicant. In case, any further modification is required of the present directions of this Court in the future with respect to manner of payment, an application for the same may be made before the Motor Vehicles Accident Claims Tribunal itself, which shall consider the same in the light of the directions of the Supreme Court in the case of General Manager, Kerala State Road Transport Corporation, Trivandrum v. Susamma Thomas and others: A.I.R. 1994 S.C. 1631.

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Let the enquiry be completed within a period of two months from the date of receipt/

production of a copy of this order.

The order dated 28.9.2005 is modified to the above extent. The application is accordingly disposed of.

VPS **(Ramesh Kumar Datta, J.)**

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